IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE N.V. RAMANA**

**WRIT PETITION NO : 806 of 2005**

Between:

1 Sri L. Parthasarthi, S/o. B. Lakshmaiah,
r/o. Ogurupadu Village, Temporarily residing

at Nellore Town, Nellore District.
2 Smt. P. Vijayalakshmi, W/o. L. Parthasarthy,
r/o. Ogurupadu Village, Temporarily residing

at Nellore Town, Nellore District.

**..... PETITIONERS**

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Nellore, Nellore District.
3 The Mandal Revenue Officer, Nellore, Nellore District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents in making attempt to evict the petitioners and assign the land to third parties in Sy.No. 12/1 of Ogurupadu Village, Nellore Rural Mandal, Nellore Town as illegal and arbitrary and consequentially direct the respondents not to evict the petitioners from the above said land and pass such other order or orders.

**Counsel for the Petitioner: MR.P.RAVI KIRAN**

**Counsel for the Respondents: GP FOR REVENUE**

**The Court at the admission stage made the following:**

**ORDER:**

The petitioners claim to be owners and possessors of lands admeasuring each Ac.5.00 in Sy.No.12.4 and 12.5, situate at Ogurupadu village, Nellore District, having purchased the same under sale agreement dated 09.04.1975, prior to commencement of A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 (for short 'the Act'). While so, the 3rd respondent/Mandal Revenue Officer issued a show cause notice dated 08.07.2004 under Section 3 (2) of the Act, requiring them to show cause as to why they should not be evicted from their respective lands and as to why any crop or other product raised on their respective lands and any building or other construction erected or anything deposited thereon should not be forfeited. It is stated that the petitioners had submitted their explanation to the said show cause notice on 06.08.2004. The grievance of the petitioners is that without considering their explanation and without passing final orders thereon, the respondents are trying to evict them from their respective lands, without following due process of law. Hence, the present writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue. Both the counsel agreed for disposal of the writ petition at the admission stage.

Since the petitioners claim possession over the subject property and filed explanation to the show cause notice on 6-8-2004 and as no final order is passed, I deem it appropriate to dispose of the writ petition with the following direction;

The 3rd respondent is directed to consider the explanations submitted by the petitioners dated 06.08.2004 and pass appropriate speaking orders in accordance with law, expeditiously. Till passing of such orders, status quo obtaining as on today shall be maintained.

Accordingly, the Writ Petition is disposed of. No costs.

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N.V.RAMANA,J

Dated: 27.01.2005

Dsr/Tvk

To:

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Nellore, Nellore District.
3 The Mandal Revenue Officer, Nellore, Nellore District.

4 Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT)

5 Two CD copies

*Form-NIC-OGS/WP{**RLD**}*